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**NINTH CIRCUIT COURT REJECTS PETITION TO REHEAR
TRINITY RIVER CASE**

San Francisco CA- The federal Ninth Circuit Court of Appeals has rejected a petition by Westlands Water District and Northern California Power Agency (NCPA) to prolong the Trinity River litigation with a rehearing. The order, filed November 5 by the court, is welcomed news for the Hoopa Valley Tribe, whose reservation is bisected by the river, and the U.S. Department of Interior (DOI). "This is yet another hard-fought legal battle in our efforts to save the Trinity River," said Hoopa Valley Tribal Chairman Clifford Lyle Marshall. "We are pleased that the court has upheld its decision because continued litigation will only cause undue delays with the restoration of the river."

Westlands and NCPA sued the DOI in 2000 when the restoration plan was to be implemented. The restoration plan was a product of nearly 20 years of cooperative studies by the department and the tribe. "It was clear to us from the beginning that the economic interests that have been draining this river for profit did not care about keeping the river and its fishery alive. They have been stealing our water for four decades and we knew they would not let go of it easily," said Marshall. "This litigation has been a long and expensive process for our tribe, but we could not give up. The alternative was to stand by and watch our river die."

The legal battle was rooted in the decision by Congress in 1955 to divert Trinity River water to the Central Valley Project for agriculture and hydropower. "The federal government promised to leave enough water in the river to preserve the river's fishery, but in some years the Bureau of Reclamation diverted as much as 90 percent of the river's flow and the fish population began to dramatically decline," said Mike Orcutt, Director of the Hoopa Valley Tribal Fisheries Department. "Restoration of this invaluable fishery resource is long over due and can now move forward without further impediments," he said.

In the 1980's, DOI and Congress ordered restoration studies culminating in the signing of the 2000 Record of Decision (ROD) by then Secretary of Interior Bruce Babbitt. Westlands and NCPA immediately filed an injunction blocking the ROD in January 2001. In 2002, federal district court Judge Oliver Wanger, ruled in favor of agriculture and hydropower interests who opposed implementation of the ROD. The tribe and DOI appealed that decision to the Court of Appeals.

"This long and expensive litigation by Westlands and NCPA has taken away human resources and money from restoration of the river," said Marshall. "But we had no other choice but to continue to fight in court. We don't have another river to depend upon and the fish don't have another river to swim in."

Orcutt added that attention to other problems in the Klamath basin such as adverse water quality conditions that killed nearly 34,000 fish in 2002 can be now be better

addressed. As many are aware, “the Klamath River is severely degraded and needs more water to restore its fishery. The Hoopa Valley Tribe is firmly committed to the restoration of the Klamath River fishery. We hope that the resistance that plagued Trinity River restoration can be kept from taking root in the Klamath Basin. We will do our best with our friends and neighbors here in the Klamath basin to make sure that does not happen” he said.